

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

JAMES DOUGLAS LOSEY,

Petitioner,

vs.

ELIZABETH ROBINSON, IOWA  
BOARD OF PAROLE, IOWA  
DEPARTMENT OF CORRECTIONS,

Respondents.

No. C12-0023-LRR

ORDER

---

This matter is before the court on the petitioner's application for a writ of habeas corpus (docket no. 1). The petitioner filed such application on February 15, 2012. The petitioner paid the \$5.00 filing fee.

It is clear that the petitioner misunderstands the nature of habeas corpus proceedings. The court lacks the authority under 28 U.S.C. § 2254 to prevent the petitioner's parole. It makes no difference that the petitioner might be more comfortable in an Iowa facility rather than an Illinois facility. Moreover, because he already sought habeas corpus relief in *Losey v. Fayram*, Case #: 2:10-cv-01002-EJM (N.D. Iowa 2010), the petitioner is unable to file another habeas action unless he obtains permission from the Eighth Circuit Court of Appeals. *See* 28 U.S.C. § 2244(b)(3)(A).<sup>1</sup> Accordingly, the petitioner's application for a writ of habeas corpus shall be dismissed.

---

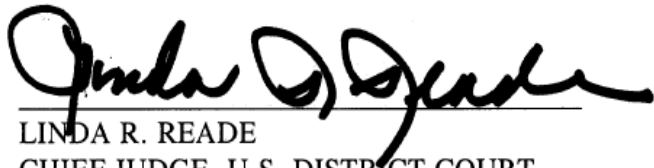
<sup>1</sup> 28 U.S.C. § 2244(b)(3)(A) provides:

Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

**IT IS THEREFORE ORDERED:**

The petitioner's application for a writ of habeas corpus (docket no. 1) is dismissed.

**DATED** this 23rd day of February, 2012.

A handwritten signature in black ink, appearing to read "Linda R. Reade", written over a horizontal line.

LINDA R. READE  
CHIEF JUDGE, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA